

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

20 Cr. 500 (JGK)

ARTHUR HAYES, BENJAMIN DELO,
SAMUEL REED and GREGORY DWYER,

Defendants.

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL OF RECORD

Pursuant to Criminal Rule 1.2 and Civil Rule 1.4 of the Local Rules of the United States District Court for the Southern District of New York, Smith Villazor LLP, and attorneys Patrick J. Smith, Andrew J. Rodgers, and Selbie L. Jason, respectfully request leave to withdraw as counsel of record for Defendant Samuel Reed.

1. The government instituted this action against Defendant Reed on September 21, 2020 (ECF No. 2).
2. On October 12, 2020, attorneys from Latham & Watkins LLP—namely, Douglas Yatter and Benjamin Naftalis—filed notices of attorney appearance for Defendant Reed.
3. On March 11, 2021, Patrick J. Smith and Andrew J. Rodgers from the law firm Smith Villazor LLP filed notices of attorney appearance for co-Defendant Benjamin Delo. On February 4, 2022, Selbie L. Jason from the law firm Smith Villazor LLP filed a notice of attorney appearance for Defendant Delo.
4. On March 12, 2021, Harlan A. Levy filed a notice of attorney appearance for Defendant Delo.
5. On February 24, 2022, the Court held a change of plea hearing for Defendant Delo where Defendant Delo entered a plea of guilty to Count 1 of the Indictment.

6. On February 28, attorneys from Smith Villazor LLP—namely, Patrick J. Smith, Andrew J. Rodgers, and Selbie L. Jason—filed notices of attorney appearance for Defendant Reed.

7. On March 1, 2022, the Court held a *Curcio* hearing for Defendant Reed, which was continued until March 21, 2022. The Court also set a *Curcio* hearing for Defendant Delo for March 14, 2021.

8. On March 7, 2022, the Court entered an Order as to Defendant Reed pursuant to which the Court scheduled a change of plea hearing for March 9, 2022. Since there will no longer be a trial, it is unnecessary for attorneys from Smith Villazor LLP to appear on Mr. Reed's behalf to assist in defending the trial. Defendant Reed consents to our withdrawal.

9. Local Criminal Rule 1.2 states: “Attorneys representing defendants in criminal cases shall file a notice of appearance. Once a notice of appearance has been filed, the attorney may not withdraw except upon prior order of the Court pursuant to Local Civil Rule 1.4.”

10. Local Civil Rule 1.4 states:

An attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the Court and may not withdraw from the case without leave of the Court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar, and whether or not the attorney is asserting a retaining or charging lien. All applications to withdraw must be served upon the client and (unless excused by the Court) upon all other parties.

11. Counsel of record from Latham & Watkins LLP, including Mr. Yatter and Mr. Naftalis, will continue to act as counsel for Mr. Reed in this matter.

12. Should this application be granted, the *Curcio* hearings scheduled for March 14 and March 21, 2022 are unnecessary and can be removed from the Court’s calendar.

13. No retaining or charging lien is being asserted.

For the reasons set forth herein, the undersigned counsel respectfully request that the Court grant the Motion for Leave to Withdraw as Counsel of Record for Defendant Reed, and that the *Curcio* hearings previously scheduled be taken off the Court's calendar.

Respectfully submitted,

Dated: March 9, 2022

/s/ Patrick J. Smith
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